IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICITON

Dated: Nainital the 23rd day of September 2003

Criminal Bail Application No. 776/2003

CRIMINAL SIDE
Farooq S/o Gulam Ahmad
R/o Sagarh Devliya
P.S. Baheri, Distt. Bareilly. .....Applicant

Versus

State of Uttaranchal .....Opposite Party.

Arising out of case crime No. 3026 of 2001
Under sections 457/380/411 I.P.C.
P.S.-Haldwani.
District-Nainital.

By the Court

Hon'ble Irshad Hussain, J.

Heard Sri T.A.Khan, learned counsel for the applicant and learned A.G.A.

The applicant-accused was not initially named in the F.I.R. for theft. He was subsequently arrested in connection with another occurrence involving him by the police and as a result of which case under section 307 I.P.C. was also registered. It is the case of the prosecution that during his detention he gave out that he will help in recovering the stolen property. While he was in detention the statement of the applicant-accused was not apparently recorded leading to prove the fact regarding discloser of the stolen property. This is a legal lacuna in the case and therefore it is a fit case for bail. The bail application is allowed.

The accused-appellant Farooq shall be released in crime No. 3026/2001 under sections 457, 380, 411, I.P.C. P.S. Haldwani District Nainital on his executing a personal bond and two sureties each in the like amount to the satisfaction of Special Judicial Magistrate Haldwani.

Dated: 23.9.2003
ISB